

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1165

Citations Affected: IC 5-20-1-4; IC 20-26-11-30; IC 20-50; IC 31-9-2; IC 31-17-6-1; IC 31-28-5; IC 31-36-3.

Synopsis: Homeless children, foster youth, and education. Conference committee report for EHB 1165. Requires the Indiana housing and community development authority (authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. Extends the authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness. Requires the department of education (department) to establish an office of coordinator for education of homeless children. Requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the department the contact information for the liaison. Requires the department to train new liaisons. Requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison. Requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. Requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring. Requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. Permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care. Provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. Requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. Requires DCS to: (1) conduct an

investigation concerning the child not later than 48 hours after DCS receives notification; and (2) notify the child's parent, guardian, or custodian not later than 72 hours after the child enters the shelter or facility. Prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered if DCS has reason to believe the child is a victim of child abuse or neglect. Allows a student who has resided in a school corporation for at least two consecutive years immediately before moving to an adjacent school corporation to attend school in the former school corporation without transfer tuition being charged if the principal and superintendent in both school corporations agree. Prohibits a student to enroll primarily for athletic reasons in a school in a school corporation where the student does not have legal settlement. (The introduced version of this bill was prepared by the interim study committee on missing children.) **(This conference committee report: (1) removes language concerning the transportation of homeless children for school; (2) modifies language concerning the transportation of children in foster care to school; (3) inserts SB 262 (as printed February 15, 2008); and (4) modifies what the term "homeless child" includes.)**

Effective: July 1, 2008.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1165 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-20-1-4, AS AMENDED BY P.L.99-2007,
- 3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2008]: Sec. 4. (a) The authority has all of the powers
- 5 necessary or convenient to carry out and effectuate the purposes and
- 6 provisions of this chapter, including the power:
- 7 (1) to make or participate in the making of construction loans to
- 8 sponsors of multiple family residential housing that is federally
- 9 assisted or assisted by a government sponsored enterprise, such
- 10 as the Federal National Mortgage Association, the Federal Home
- 11 Loan Mortgage Corporation, or the Federal Agricultural Mortgage
- 12 Corporation, the Federal Home Loan Bank, and other similar
- 13 entities approved by the authority;
- 14 (2) to make or participate in the making of mortgage loans to
- 15 sponsors of multiple family residential housing that is federally
- 16 assisted or assisted by a government sponsored enterprise, such
- 17 as the Federal National Mortgage Association, the Federal Home
- 18 Loan Mortgage Corporation, or the Federal Agricultural Mortgage
- 19 Corporation, the Federal Home Loan Bank, and other similar
- 20 entities approved by the authority;
- 21 (3) to purchase or participate in the purchase from mortgage
- 22 lenders of mortgage loans made to persons of low and moderate

1 income for residential housing;

2 (4) to make loans to mortgage lenders for the purpose of
3 furnishing funds to such mortgage lenders to be used for making
4 mortgage loans for persons and families of low and moderate
5 income. However, the obligation to repay loans to mortgage
6 lenders shall be general obligations of the respective mortgage
7 lenders and shall bear such date or dates, shall mature at such
8 time or times, shall be evidenced by such note, bond, or other
9 certificate of indebtedness, shall be subject to prepayment, and
10 shall contain such other provisions consistent with the purposes
11 of this chapter as the authority shall by rule or resolution
12 determine;

13 (5) to collect and pay reasonable fees and charges in connection
14 with making, purchasing, and servicing of its loans, notes, bonds,
15 commitments, and other evidences of indebtedness;

16 (6) to acquire real property, or any interest in real property, by
17 conveyance, including purchase in lieu of foreclosure, or
18 foreclosure, to own, manage, operate, hold, clear, improve, and
19 rehabilitate such real property and sell, assign, exchange, transfer,
20 convey, lease, mortgage, or otherwise dispose of or encumber
21 such real property where such use of real property is necessary or
22 appropriate to the purposes of the authority;

23 (7) to sell, at public or private sale, all or any part of any mortgage
24 or other instrument or document securing a construction loan, a
25 land development loan, a mortgage loan, or a loan of any type
26 permitted by this chapter;

27 (8) to procure insurance against any loss in connection with its
28 operations in such amounts and from such insurers as it may deem
29 necessary or desirable;

30 (9) to consent, subject to the provisions of any contract with
31 noteholders or bondholders which may then exist, whenever it
32 deems it necessary or desirable in the fulfillment of its purposes
33 to the modification of the rate of interest, time of payment of any
34 installment of principal or interest, or any other terms of any
35 mortgage loan, mortgage loan commitment, construction loan,
36 loan to lender, or contract or agreement of any kind to which the
37 authority is a party;

38 (10) to enter into agreements or other transactions with any
39 federal, state, or local governmental agency for the purpose of
40 providing adequate living quarters for such persons and families
41 in cities and counties where a need has been found for such
42 housing;

43 (11) to include in any borrowing such amounts as may be deemed
44 necessary by the authority to pay financing charges, interest on
45 the obligations (for a period not exceeding the period of
46 construction and a reasonable time thereafter or if the housing is
47 completed, two (2) years from the date of issue of the
48 obligations), consultant, advisory, and legal fees and such other
49 expenses as are necessary or incident to such borrowing;

50 (12) to make and publish rules respecting its lending programs
51 and such other rules as are necessary to effectuate the purposes of

1 this chapter;

2 (13) to provide technical and advisory services to sponsors,

3 builders, and developers of residential housing and to residents

4 and potential residents, including housing selection and purchase

5 procedures, family budgeting, property use and maintenance,

6 household management, and utilization of community resources;

7 (14) to promote research and development in scientific methods

8 of constructing low cost residential housing of high durability;

9 (15) to encourage community organizations to participate in

10 residential housing development;

11 (16) to make, execute, and effectuate any and all agreements or

12 other documents with any governmental agency or any person,

13 corporation, association, partnership, limited liability company,

14 or other organization or entity necessary or convenient to

15 accomplish the purposes of this chapter;

16 (17) to accept gifts, devises, bequests, grants, loans,

17 appropriations, revenue sharing, other financing and assistance

18 and any other aid from any source whatsoever and to agree to, and

19 to comply with, conditions attached thereto;

20 (18) to sue and be sued in its own name, plead and be impleaded;

21 (19) to maintain an office in the city of Indianapolis and at such

22 other place or places as it may determine;

23 (20) to adopt an official seal and alter the same at pleasure;

24 (21) to adopt and from time to time amend and repeal bylaws for

25 the regulation of its affairs and the conduct of its business and to

26 prescribe rules and policies in connection with the performance

27 of its functions and duties;

28 (22) to employ fiscal consultants, engineers, attorneys, real estate

29 counselors, appraisers, and such other consultants and employees

30 as may be required in the judgment of the authority and to fix and

31 pay their compensation from funds available to the authority

32 therefor;

33 (23) notwithstanding IC 5-13, but subject to the requirements of

34 any trust agreement entered into by the authority, to invest:

35 (A) the authority's money, funds, and accounts;

36 (B) any money, funds, and accounts in the authority's custody;

37 and

38 (C) proceeds of bonds or notes;

39 in the manner provided by an investment policy established by

40 resolution of the authority;

41 (24) to make or participate in the making of construction loans,

42 mortgage loans, or both, to individuals, partnerships, limited

43 liability companies, corporations, and organizations for the

44 construction of residential facilities for individuals with a

45 developmental disability or for individuals with a mental illness

46 or for the acquisition or renovation, or both, of a facility to make

47 it suitable for use as a new residential facility for individuals with

48 a developmental disability or for individuals with a mental illness;

49 (25) to make or participate in the making of construction and

50 mortgage loans to individuals, partnerships, corporations, limited

51 liability companies, and organizations for the construction,

rehabilitation, or acquisition of residential facilities for children;
 (26) to purchase or participate in the purchase of mortgage loans
 from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under
 IC 8-1.5;

if those mortgage loans were made for the purpose of insulating
 and otherwise weatherizing single family residences in order to
 conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing
 associations (IC 5-20-3) in the form of grants, loans, or a
 combination of grants and loans for the development of housing
 for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority
 and to impose and collect reasonable fees and charges in
 connection with such servicing;

(29) subject to the authority's investment policy, to enter into
 swap agreements (as defined in IC 8-9.5-9-4) in accordance with
 IC 8-9.5-9-5 and IC 8-9.5-9-7;

(30) to promote and foster community revitalization through
 community services and real estate development;

(31) to coordinate and establish linkages between governmental
 and other social services programs to ensure the effective delivery
 of services to low income individuals **and families, including**
individuals or families facing or experiencing homelessness;

(32) to cooperate with local housing officials and plan
 commissions in the development of projects that the officials or
 commissions have under consideration;

(33) to take actions necessary to implement its powers that the
 authority determines to be appropriate and necessary to ensure the
 availability of state or federal financial assistance; and

(34) to administer any program or money designated by the state
 or available from the federal government or other sources that is
 consistent with the authority's powers and duties.

The omission of a power from the list in this subsection does not imply
 that the authority lacks that power. The authority may exercise any
 power that is not listed in this subsection but is consistent with the
 powers listed in this subsection to the extent that the power is not
 expressly denied by the Constitution of the State of Indiana or by
 another statute.

(b) The authority shall structure and administer any program
 conducted under subsection (a)(3) or (a)(4) in order to assure that no
 mortgage loan shall knowingly be made to a person whose adjusted
 family income shall exceed one hundred twenty-five percent (125%)
 of the median income for the geographic area within which the person
 resides and at least forty percent (40%) of the mortgage loans so
 financed shall be for persons whose adjusted family income shall be
 below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority
 may, with the proceeds of bonds and notes sold to retirement plans
 covered by IC 5-10-1.7, structure and administer a program of

1 purchasing or participating in the purchasing from mortgage lenders of
 2 mortgage loans made to qualified members of retirement plans and
 3 other individuals. The authority shall structure and administer any
 4 program conducted under this subsection to assure that:

5 (1) each mortgage loan is made as a first mortgage loan for real
 6 property:

7 (A) that is a single family dwelling, including a condominium
 8 or townhouse, located in Indiana;

9 (B) for a purchase price of not more than ninety-five thousand
 10 dollars (\$95,000);

11 (C) to be used as the purchaser's principal residence; and

12 (D) for which the purchaser has made a down payment in an
 13 amount determined by the authority;

14 (2) no mortgage loan exceeds seventy-five thousand dollars
 15 (\$75,000);

16 (3) any bonds or notes issued which are backed by mortgage loans
 17 purchased by the authority under this subsection shall be offered
 18 for sale to the retirement plans covered by IC 5-10-1.7; and

19 (4) qualified members of a retirement plan shall be given
 20 preference with respect to the mortgage loans that in the
 21 aggregate do not exceed the amount invested by their retirement
 22 plan in bonds and notes issued by the authority that are backed by
 23 mortgage loans purchased by the authority under this subsection.

24 (d) As used in this section, "a qualified member of a retirement
 25 plan" means an active or retired member:

26 (1) of a retirement plan covered by IC 5-10-1.7 that has invested
 27 in bonds and notes issued by the authority that are backed by
 28 mortgage loans purchased by the authority under subsection (c);
 29 and

30 (2) who for a minimum of two (2) years preceding the member's
 31 application for a mortgage loan has:

32 (A) been a full-time state employee, teacher, judge, police
 33 officer, or firefighter;

34 (B) been a full-time employee of a political subdivision
 35 participating in the public employees' retirement fund;

36 (C) been receiving retirement benefits from the retirement
 37 plan; or

38 (D) a combination of employment and receipt of retirement
 39 benefits equaling at least two (2) years.

40 (e) The authority, when directed by the governor, shall administer
 41 programs and funds under 42 U.S.C. 1437 et seq.

42 (f) The authority shall identify, promote, assist, and fund home
 43 ownership education programs conducted throughout Indiana by
 44 nonprofit counseling agencies certified by the authority using funds
 45 appropriated under section 27 of this chapter. The attorney general and
 46 the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall
 47 cooperate with the authority in implementing this subsection.

48 **(g) The authority shall:**

49 **(1) oversee and encourage a regional homeless delivery system**
 50 **that:**

51 **(A) considers the need for housing and support services;**

- 1 **(B) implements strategies to respond to gaps in the delivery**
- 2 **system; and**
- 3 **(C) ensures individuals and families are matched with**
- 4 **optimal housing solutions;**
- 5 **(2) facilitate the dissemination of information to assist**
- 6 **individuals and families accessing local resources, programs,**
- 7 **and services related to homelessness, housing, and community**
- 8 **development; and**
- 9 **(3) each year, estimate and reasonably determine the number**
- 10 **of the following:**
- 11 **(A) Individuals in Indiana who are homeless.**
- 12 **(B) Individuals in Indiana who are homeless and less than**
- 13 **eighteen (18) years of age.**
- 14 **(C) Individuals in Indiana who are homeless and not**
- 15 **residents of Indiana.**

16 SECTION 2. IC 20-26-11-30 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2008]: **Sec. 30. (a) This section applies to a**
 19 **student who resided in a school corporation where the student had**
 20 **legal settlement for at least two (2) consecutive school years**
 21 **immediately before moving to an adjacent school corporation.**

22 **(b) A school corporation in which a student had legal settlement**
 23 **for at least two (2) consecutive years as described in subsection (a):**

- 24 **(1) shall allow the student to attend an appropriate school**
- 25 **within the school corporation in which the student formerly**
- 26 **resided;**
- 27 **(2) may not request the payment of transfer tuition for the**
- 28 **student from the school corporation in which the student**
- 29 **currently resides and has legal settlement or from the**
- 30 **student's parent; and**

31 **(3) shall include the student in the school corporation's ADM;**
 32 **if the principal and superintendent in both school corporations**
 33 **jointly agree to enroll the student in the school.**

34 **(c) If a student enrolls under this section in a school described**
 35 **in subsection (b)(1), the student's parent must provide for the**
 36 **student's transportation to school.**

37 **(d) A student to whom this section applies may not enroll**
 38 **primarily for athletic reasons in a school in a school corporation in**
 39 **which the student does not have legal settlement. However, a**
 40 **decision to allow a student to enroll in a school corporation in**
 41 **which the student does not have legal settlement is not considered**
 42 **a determination that the student did not enroll primarily for**
 43 **athletic reasons.**

44 SECTION 3. IC 20-50 IS ADDED TO THE INDIANA CODE AS
 45 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 46 2008]:

47 **ARTICLE 50. HOMELESS CHILDREN AND FOSTER CARE**
 48 **CHILDREN**

49 **Chapter 1. School Corporation Liaison for Homeless Children**

50 **Sec. 1. (a) As used in this chapter, "homeless child" means a**
 51 **minor who lacks a fixed, regular, and adequate nighttime**

1 residence.

2 (b) The term includes:

3 (1) a child who:

4 (A) shares the housing of other persons due to the child's
5 loss of housing, economic hardship, or a similar reason;

6 (B) lives in a motel, hotel, or campground due to the lack
7 of alternative adequate accommodations;

8 (C) lives in an emergency or transitional shelter;

9 (D) is abandoned in a hospital or other place not intended
10 for general habitation; or

11 (E) is awaiting foster care placement;

12 (2) a child who has a primary nighttime residence that is a
13 public or private place not designed for or ordinarily used as
14 a regular sleeping accommodation for human beings;

15 (3) a child who lives in a car, a park, a public space, an
16 abandoned building, a bus station, a train station,
17 substandard housing, or a similar setting; and

18 (4) a child of a migratory worker who lives in circumstances
19 described in subdivisions (1) through (3).

20 Sec. 2. The department shall establish an office of coordinator
21 for education of homeless children as required by 42 U.S.C. 11431
22 et seq.

23 Sec. 3. Each school corporation shall appoint an employee to be
24 the school corporation's liaison for homeless children as required
25 by 42 U.S.C. 11431 et seq.

26 Sec. 4. Each school corporation shall report to the department,
27 by August 1 of each year, the name and contact information of the
28 school corporation's liaison for homeless children.

29 Sec. 5. Each school corporation that has an Internet web site
30 shall post the contact information of the school corporation's
31 liaison for homeless children on the school corporation's Internet
32 web site.

33 Sec. 6. Each year, the department shall provide training to
34 individuals who are appointed under section 3 of this chapter as
35 liaisons for homeless children.

36 Chapter 2. Tutoring and Mentoring for Homeless Children and
37 Foster Care Children

38 Sec. 1. This chapter applies after June 30, 2009.

39 Sec. 2. As used in this chapter, "homeless child" has the
40 meaning set forth in IC 20-50-1-1.

41 Sec. 3. Each school corporation shall provide tutoring for a child
42 enrolled in a school operated by the school corporation who is:

43 (1) in foster care; or

44 (2) a homeless child;

45 if the school corporation determines the child has a demonstrated
46 need for tutoring.

47 Chapter 3. Transportation of Students in Foster Care

48 Sec. 1. This chapter applies after June 30, 2009.

49 Sec. 2. As used in this chapter, "original school corporation"
50 means the school corporation in which the school of origin of a
51 student in foster care is located.

1 **Sec. 3. As used in this chapter, "school of origin" means the**
 2 **school:**

3 **(1) that a student in foster care attended when the student last**
 4 **had a permanent residence; or**

5 **(2) in which a student in foster care was last enrolled.**

6 **Sec. 4. As used in this chapter, "transitional school corporation"**
 7 **means the school corporation in which a student in foster care**
 8 **temporarily stays.**

9 **Sec. 5. (a) If a student in foster care temporarily stays in the**
 10 **student's original school corporation but outside the attendance**
 11 **area of the student's school of origin, the original school**
 12 **corporation shall provide transportation for the student from the**
 13 **place where the student is temporarily staying to the school of**
 14 **origin and from the school of origin to the place where the student**
 15 **is temporarily staying.**

16 **(b) If:**

17 **(1) the school of origin of a student in foster care is located in**
 18 **a school corporation other than the school corporation in**
 19 **which the student is temporarily staying;**

20 **(2) the school of origin is located in a school corporation that**
 21 **adjoins the school corporation in which the student is**
 22 **temporarily staying; and**

23 **(3) the student does not elect to attend a school located in the**
 24 **school corporation in which the student in foster care is**
 25 **temporarily staying;**

26 **the original school corporation and the transitional school**
 27 **corporation shall enter into an agreement concerning the**
 28 **responsibility for and apportionment of the costs of transporting**
 29 **the student to and from the school of origin.**

30 **(c) If the original school corporation and the transitional school**
 31 **corporation described in subsection (b) are unable to reach an**
 32 **agreement under subsection (b), the responsibility for transporting**
 33 **the student in foster care to and from the school of origin is shared**
 34 **equally between both school corporations, and the cost of**
 35 **transporting the student to and from the school of origin is**
 36 **apportioned equally between both school corporations.**

37 **SECTION 4. IC 31-9-2-13, AS AMENDED BY P.L.138-2007,**
 38 **SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 39 **JULY 1, 2008]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16**
 40 **(excluding IC 31-16-12.5), and IC 31-17, means a child or children of**
 41 **both parties to the marriage. The term includes the following:**

42 **(1) Children born out of wedlock to the parties.**

43 **(2) Children born or adopted during the marriage of the parties.**

44 **(b) "Child", for purposes of the Uniform Interstate Family Support**
 45 **Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.**

46 **(c) "Child", for purposes of IC 31-19-5, includes an unborn child.**

47 **(d) Except as otherwise provided in this section, "child", for**
 48 **purposes of the juvenile law, means:**

49 **(1) a person who is less than eighteen (18) years of age;**

50 **(2) a person:**

51 **(A) who is eighteen (18), nineteen (19), or twenty (20) years**

of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

~~(e)~~ **(f)** "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

~~(f)~~ **(g)** "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

~~(g)~~ **(h)** "Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.

~~(h)~~ **(i)** "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 5. IC 31-9-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means a community volunteer who:

(1) has completed a training program approved by the court;

(2) has been appointed by a court to represent and protect the best interests of a child; and

(3) may research, examine, advocate, facilitate, and monitor a child's situation.

SECTION 6. IC 31-9-2-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

(1) represent and protect the best interests of a child; and

(2) provide the child with services requested by the court, including:

(A) researching;

(B) examining;

(C) advocating;

(D) facilitating; and

(E) monitoring;

the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 7. IC 31-9-2-116.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 116.5. "Services or items", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-1.**

SECTION 8. IC 31-9-2-117.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 117.3. "Sibling", for purposes of IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.**

SECTION 9. IC 31-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, or IC 31-17-7, or IC 31-28-5, may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time.**

SECTION 10. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Foster Care Sibling Visitation

Sec. 1. This chapter applies to:

- (1) a child who receives foster care that is funded by the department or a county office; and**
- (2) a sibling of a child described in subdivision (1).**

Sec. 2. The department shall make reasonable efforts to promote sibling visitation for every child who receives foster care, including visitation when one (1) sibling receives foster care and another sibling does not.

Sec. 3. A child, a child's foster parent, a child's guardian ad litem, a court appointed special advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visitation with the child's sibling if the child or the child's sibling, or both, receive foster care. If the department finds that the sibling visitation is in the best interests of each child who receives foster care, the department shall permit the sibling visitation and establish a sibling visitation schedule.

Sec. 4. (a) If the department denies a request for sibling visitation under section 3 of this chapter, the child's guardian ad litem or court appointed special advocate may petition the juvenile court with jurisdiction in the county in which the child receiving foster care is located for an order requiring sibling visitation.

(b) If the juvenile court determines it is in the best interests of the child receiving foster care to have sibling visitation, the juvenile court shall order sibling visitation and establish a schedule for the sibling visitation.

Sec. 5. (a) The juvenile court may appoint a guardian ad litem or court appointed special advocate if a child receiving foster care requests sibling visitation.

(b) The provisions of IC 31-17-6 apply to a guardian ad litem or court appointed special advocate appointed under this section.

SECTION 11. IC 31-36-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 3. Homeless Children

Sec. 1. As used in this chapter, "services or items" includes food, clothing, personal hygiene products, health care, and counseling.

Sec. 2. A child may receive shelter and services or items that are directly related to providing shelter to the child from:

- (1) an emergency shelter;
- (2) a shelter care facility; or
- (3) a program that provides services or items that are directly related to providing shelter to individuals who are homeless or have a low income;

without the notification, consent, or permission of the child's parent, guardian, or custodian.

Sec. 3. (a) Except as provided in subsection (d), if a child voluntarily enters an emergency shelter or a shelter care facility, the shelter or facility shall notify the department, not later than twenty-four (24) hours after the child enters the shelter or facility, of the following:

- (1) The name of the child.
- (2) The location of the shelter or facility.
- (3) Whether the child alleges that the child is the subject of abuse or neglect.

(b) The department shall conduct an investigation concerning the child not later than forty-eight (48) hours after receiving notification from the emergency shelter or shelter care facility under subsection (a).

(c) The department shall notify the child's parent, guardian, or custodian that the child is in an emergency shelter or a shelter care facility not later than seventy-two (72) hours after the child enters the shelter or facility. However, if the department has reason to believe that the child is a victim of child abuse or neglect, the department may not notify the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered.

(d) An emergency shelter or a shelter care facility is not required to notify the department of a child who is an emancipated minor.

(Reference is to EHB 1165 as reprinted February 13, 2008.)

Conference Committee Report
on
Engrossed House Bill 1165

Signed by:

Representative Avery
Chairperson

Senator Becker

Representative Knollman

Senator Sipes

House Conferees

Senate Conferees